Remarks

Claims 43-46, 49-53, and 55-57 remain pending. Claims 43, 53, and 55 are amended. No new matter is introduced with the present amendment. Support appears throughout the specification as filed, including page 7, where one embodiment of the present invention is described regarding the commercially available ENCOMPRESS® granular powder from Penwest, Incorporated.

Claim Rejections – 35 USC §112

The Office Action rejects claims 43 – 46, 49 – 53, and 55 under 35 USC §112, Second Paragraph as indefinite. The Examiner correctly notes a typographical error, where the term dihydrate was misspelled as dehydrate. Applicants thank the Examiner for pointing out this obvious error. Applicants realize, now, that spellchecking software mistakenly amended the term during word processing of the document.

Applicants hereby amend the claims to correct the typographical error and request withdrawal of the rejection.

Claim Rejections – 35 USC §103

The Office Action rejects claims 43 – 46, 49 – 53, and 55 under 35 USC §103(a) as obvious over *Norling et al.* (US 5,958,458) in view of *Busetti et al.* (US 5,788,987). Applicants hereby amend the claims and request reconsideration.

As previously discussed, there are many synonyms in the art for the term "substrate," including particle, bead, pellet, and the like. Thus, in an effort to provide more clarity concerning the present invention, the claims are hereby amended to avoid use of the term "substrate." While the claims were not rejected under §112, Second Paragraph due to the term "substrate," Applicants believe the amended claims reflect the nature of the present invention with more precision. This precision also obviates the current §103 rejection.

Previously, the Examiner suggested an addition of a particle size to the independent claim in order to distinguish the substrate of the present invention from the coated tablets of the cited reference. As that addition did not prove persuasive, Applicants hereby remove that recitation. Instead, Applicants hereby amend the claims to recite the granular powder that serves as a foundation for an insulin application as described in the present specification.

The primary reference, *Norling et al.*, describes a "core," as that term is used in the reference, which has a w/w % composition of calcium phosphate along with additional components in order to impart a specified friability and flow angle. Thus, *Norling et al.* use the term "core" synonymous with "pellet" or "non-pareil." The *Norling et al.* core is manufactured

either by extrusion (vernacular: pellet) or spray drying (vernacular: core). The cores are hollow spheroids and have a low bulk density, providing excellent flow characteristics.

The secondary reference, *Busetti et al.*, teaches "a core including the pharmaceutically active agent(s)." Thus, while using the same term "core," the *Busetti et al.* reference describes a finished pharmaceutical dosage form, namely a tablet. *Busetti et al.* describe enteric coats that may be used over a multi-ingredient core (vernacular: solid or tablet core) in order to achieve a pharmacologically effective dosing regime to maintain blood plasma profiles overnight. *Busetti et al.* relates to a multi-particulate compressed tablet that is a solid, dense material. The *Busetti et al.* "core," therefore, is not necessarily spherical, has a relatively high bulk density, and poor flow characteristics.

Unlike either *Norling et al.* or *Busetti et al.*, the present claims recite a granular powder. By definition, a granular powder is not a "core" as is used in either cited reference. The powder, such as one embodiment ENCOMPRESS®, is manufactured by granulating and milling of a single material, such as dicalcium phosphate. Powders have a high bulk density. Powders are granular, but not spheroid. Powders have relatively poor flow characteristics, especially as compared to a "core" as described in *Norling et al.*

Applicants respectfully request that the Examiner withdraw the rejection and allow the pending claims.

The Examiner further rejects claims 56 and 57 as obviousness over *Norling et al.*, in view of *Busetti et al.*, and further in view of *Ekwuribe et al.*, relying on *Ekwuribe et al.* for a teaching of insulin drugs as active agents. Since *Ekwuribe et al.* fail to teach or suggest a granular powder for pharmaceutical formulations as claimed in the present application, the *prima facie* case continues to fail for the reasons outlined above. *Ekwuribe et al.* do not provide any further teaching or motivation to provide a pharmaceutical formulation of a single-entity granular powder as claimed.

Applicants respectfully request withdrawal of the rejections and allowance of the pending claims. Should the Examiner have any remaining issues, he is encouraged to telephone the undersigned for expeditious handling.

Respectfully submitted,

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